

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
April 9, 2018**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards
TOWNSHIP PLANNER: Tim Johnson
CITIZENS IN ATTENDANCE: 12

The regular meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:00 pm.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting and Public Hearing of March 12, 2018 were presented for approval. Mr. Clements made one minor change to the Minutes. Mr. Edwards moved to approve the Minutes as amended. Seconded by Mr. Blough. All in favor and the Minutes of March 12, 2018 as amended are approved.

The Minutes of the Special Meeting and Public Hearing of March 15, 2018 were presented for approval. Mr. Edwards noted two corrections on Page 2, changing “Industrial” to “Light Industrial”. Mr. Edwards then moved to approve the Minutes as amended. Seconded by Mr. Batchelor. All in favor and the Minutes of March 15, 2018 as amended are approved.

CHANGES OR ADDITIONS TO THE AGENDA:

Mr. Clements moved to add an Update on Fairground Regulations as Item 7(c) under Old Business. Motion seconded by Mr. Edwards. All in favor and the Agenda is amended.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

The meeting was opened to public comment at 7:05 pm. One person spoke. Public comment was closed at 7:06 pm.

PUBLIC HEARINGS:

There were no public hearings scheduled.

OLD BUSINESS

Annual Review of Timpson Special Use Permits

1) Sand mining

John Timpson presented his written update of March 29, 2018. He noted that less sand had been removed last year compared to other years, and that this year’s removal should be more average. As mining operations progress formerly mined areas are being graded and seeded. More trees

were planted on reclaimed areas. Addition of a truck weighing scale is planned. Some additional paving is planned, as well as use of sprinklers for dust control.

Chairperson Simmonds asked about recent certification of the mining operations by the Mine Safety & Health Administration in 2017, and was advised this was a legal requirement and would result in more control and monitoring of the mining operations. Mr. Blough asked about the drive to Alden Nash install the prior year, and was told it was handling most truck traffic now, but access at 8:00 am and 4:00 pm was harder due to traffic on Alden Nash.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Timpson Sand Mining Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in April 2004 and that the next annual review will be held in March 2019. Motion seconded by Mr. Clements. All in favor and the Special Use Permit is found to be in compliance, with an annual review required in 2019.

2) Controlled atmosphere storage

Colleen Timpson presented the written update dated March 29, 2018. No apples were stored in 2017 and use of the facilities in 2018 is uncertain at this time. While the facilities remain unused for storage, there may be a temporary expansion of the internal workshop.

There being no further questions or comments from members of the Planning Commission, Mr. Blough moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Timpson Controlled Atmosphere Storage Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in February 2008 and that the next annual review will be held in March 2019. Motion seconded by Mr. Batchelor. All in favor and the Special Use Permit is found to be in compliance, with an annual review required in 2019.

Mr. Clements suggested that the annual review of this Special Use Permit for the Timpson Controlled Atmosphere Storage operation was no longer needed. After discussion Mr. Clements moved that the annual review of the Timpson Controlled Atmosphere Storage Special Use Permit will no longer be subject to an annual review. Motion seconded by Mr. Edwards. All in favor and the annual review of the Timpson Controlled Atmosphere Storage Special Use Permit is ended.

3) Warehouse/Trucking

John Timpson presented his written update of March 29, 2018. He will be adding some fencing this year, and topcoating asphalt in 2018.

There being no further questions or comments from members of the Planning Commission, Mr. Clements moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Timpson Motor Freight Warehouse Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in February 2008 and that the

next annual review will be held in March 2019. Motion seconded by Mr. Blough. All in favor and the Special Use Permit is found to be in compliance, with an annual review required in 2019.

4) Concrete crushing

John Timpson presented his written update of March 29, 2018. The pile of concrete waiting for crushing is large at present. The crushing equipment has been held up but is expected to arrive soon. The DEQ is monitoring operations, and the crushing process has proven to be quieter than expected.

There being no further questions or comments from members of the Planning Commission, Mr. Batchelor moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Timpson Concrete Crushing Operation Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in May 2015 and that the next annual review will be held in March 2019. Motion seconded by Mr. Blough. All in favor and the Special Use Permit is found to be in compliance, with an annual review required in 2019.

Annual Review of Heidi's Farm Market Special Use Permits

1) Farm stand

Mr. Blough recused himself from the proceedings.

Aaron Kaeb presented for the farm stand. They are working on a porch to relieve congestion in the building. The FDA will be setting more standards on farm goods. The current entrance on the East side of the building is to be closed off. Chairperson Simmonds asked about parking, and was told that no changes were currently planned, but more parking may be needed in the future when the entrance drive is moved.

There being no further questions or comments from members of the Planning Commission, Mr. Edwards moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Heidi's Farm Market Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in September 2007 and that the next annual review will be held in April 2019. Motion seconded by Mr. Batchelor. All in favor and the Special Use Permit is found to be in compliance, with an annual review required in 2019.

2) Corn maze

Aaron Kaeb presented for the corn maze. He indicated the location of the maze for 2018, and that it will be slightly smaller than the prior year. He then presented their new Emergency Response Plan. Mr. Clements confirmed with Mr. Kaeb that this plan is now in place and that employees have been trained on the plan. The addition of parking space lines has increased the number of cars which can now be handled. Mr. Kaeb also asked about extending the hours of operation of the maze on October weeknights. Chairperson Simmonds suggested that he present a summary of the proposed changes for review by the Planning Commission, and that any

changes approved would most likely be considered minor changes not requiring a separate public hearing.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved to confirm that the Lowell Charter Township Planning Commission has reviewed the Heidi's Corn Maze Special Use Permit and finds that it is in compliance with the Special Use Permit and its conditions granted in August 2007 and that the next annual review will be held in April 2019. Motion seconded by Mr. Batchelor. All in favor and the Special Use Permit is found to be in compliance, with an annual review required in 2019.

Mr. Blough rejoined the proceedings.

Update on fairground regulations

Mr. Clements, after asking about the next step planned in the process of preparing Fairground Regulations, suggested that a Special Meeting might be considered, to provide the time needed to advance or complete this work and allow a public hearing to be scheduled. After discussion, Mr. Clements moved to set a Special Meeting for April 30, 2018 at 7:00 pm, solely to address the fairground regulations currently being drafted. Motion seconded by Mr. Edwards. All in favor and a special meeting will be scheduled for April 30, 2018.

NEW BUSINESS

Review of the following requests from Westview Capital LLC and set public hearing for:

- 1) Rezoning from R-2 to OS-PUD**
- 2) Tentative Preliminary Plat Request for the Twin Oaks single family subdivision containing 70 lots.**

Tom Larabel presented on behalf of Westview Capital LLC. Tim Johnson summarized his OS-PUD Rezoning and Tentative Preliminary Plat review dated April 5, 2018. He expressed some concern for the path of proposed roads and the need to flag conservation areas within lots to avoid disturbing these areas, and a review of the tree areas shown on the Site Plan, which appear to be inconsistent with aerial views of the property. Sidewalks are normally needed on both sides of the street, where walks are only on one side in one portion of the OS-PUD. Information to be included on the current Site Plan is also outlined in the report.

Mr. Batchelor asked about the conservation areas shown within lots, and Tim Johnson advised that this was permitted under the Ordinance. When discussing road locations and areas where trees will be cleared, it was noted that some road clearing had been performed by the former owner of the land, affecting current slopes. Mr. Larabel advised that road connections and routes were dictated by the Kent County Road Commission. Walking trail locations are shown on the Site Plan, and there will be signs marking open space access.

An extended discussion considered the requirement for sidewalks on both sides of the roads. It was eventually agreed that the Site Plan should show sidewalks on both sides of each road,

except along Woodbushe Drive from Foreman Road to Oak Vista Drive on the East side of Woodbushe Drive, and proceeding East on Oak Vista Drive to Lot 70 on the North side of the road. Sidewalks will be constructed after homes are completed.

Mr. Edwards expressed multiple concerns about the project, including the apparent movement of soil on conservation areas related to work for streets and sidewalks. Many lots appear to have issues with 20 degree slopes. Mr. Batchelor shares these concerns. Mr. Larabel felt that areas already disturbed by the prior owner can be changed. The current Site Plan creates some confusion, as it appears not to allow construction on the conservation areas shown in tan, but also shows some of these tan areas being regraded. Tim Johnson explained that twenty degree slopes can only be included at 50% of area when calculating conservation areas, and he feels the Applicant has met the overall area requirements for conservation. Mr. Clements also asked about construction on 20 degree slopes, and was told by Tim Johnson that this can occur if the 20 degree slopes were artificially created by the prior owner. Mr. Edwards raised concerns about setbacks for home construction and if all lots could reasonably meet these requirements, even if the reduced setbacks proposed were accepted. Mr. Edwards has several more concerns which he plans to pursue at a later meeting.

Mr. Blough suggested that twenty degree slopes not included in the conservation area calculations be removed from the Site Plan to avoid confusion. Mr. Batchelor proposed keeping the current sheet showing all twenty degree slopes, but adding a second sheet to the Site Plan showing only the sloped lands which are being counted in the conservation area. Mr. Clements would like to see the Site Plan include the proposed setbacks, which match those in the neighboring Stony Bluff OS-PUD, so a determination can be made as to the reasonableness of the size of the building envelope on each lot. Mr. Johnson asked that any unbuildable lots be shown as such on the Site Plan. Where there is a single sidewalk allowed, painted crossing lines where the change from two sidewalks to one occurs should be provided, if allowed by the Kent County Road Commission.

There being no further questions or comments, Chairperson Simmonds moved that a second sidewalk will not be required along Woodbushe and Oak Vista Drives, where the second sidewalk would be against the outlot at this location. Motion seconded by Mr. Batchelor. All in favor and requirement of a sidewalk against the outlot is approved.

Tim Johnson asked that a letter be obtained by Applicant from the Kent County Road Commission regarding connection to Foreman Avenue.

Placement of a tree for each lot, between the road and the sidewalk, was discussed. Mr. Larabel indicated that trees always struggle to survive in this location. Mr. Blough favored allowing Applicant to require that each homeowner plant a tree anywhere in their own front yard, rather than limiting the tree location to between the road and the sidewalk. Other members of the Planning Commission agreed.

Street lighting will need to be shown on the Site Plan.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved to set a public hearing date for the Twin Oaks R-2 to OS-PUD rezoning request and the Tentative Preliminary Site Plan for May 14, 2018. Motion seconded by Mr. Batchelor. Four in favor, one opposed. The public hearing will be set for May 14, 2018.

A revised Site Plan will be made available to members of the Planning Commission sufficiently in advance of the public hearing to allow a detailed review prior to the hearing date.

Discuss possible amendment to Home Based Business regulations

Tim Johnson indicated that the wording of the current Ordinance prevents most home businesses, contrary to the intent of the Planning Commission when this section of the Ordinance was written. Chairperson Simmonds confirmed that the intent was to allow small home businesses and to regulate them, and to ensure they were moved to a more appropriate location when they became larger. Mr. Edwards noted that the language in question appeared first in Draft 7 of the Ordinance for reasons not clear, and thinks this should be looked at again. Tim Johnson advised that the problem can be resolved by removal of Section 4.46(b) of the Ordinance. Mr. Blough would like public input at a hearing before final discussions on the possible change.

There being no further questions or comments from members of the Planning Commission, Chairperson Simmonds moved to set a public hearing on deletion of Section 4.46(b) of the Home Business section of the Ordinance for the Regular Meeting of May 14, 2018. Motion seconded by Mr. Blough. All in favor and the public hearing will be scheduled for May 14, 2018.

Update regarding access connection between Impact Church and Walgreen properties

Tim Johnson reviewed his discussion with Dr. Leo Kircik, who owns the land currently being used by Walgreens. Dr. Kircik will not give written approval for use of the land by Impact Church unless Walgreens approves first, or does not respond by a date specified by Impact Church, due to the terms of the lease agreement between Dr. Kircik and Walgreens.

Mr. Johnson pointed out that the Ordinance does require two two points of access to the Impact Church property. Mr. Edwards thinks that Walgreen silence is not enough to constitute acceptance. This needs to be resolved before there is substantial change to the church property, and Mr. Edwards suggested a review of the situation by the Township Attorney. Mr. Blough felt that approval by the landowner alone was sufficient. Mr. Clements felt that no decision or legal review was necessary until a response to the underlying requirement for approval had been received by the Township, as all approvals might be received and the two access points requirement met. Mr. Hale indicated that he would investigate as to where things stood on this issue.

Discuss possible amendment to regulations for number of billboards

The current Ordinance allows only 15 billboards, but there are currently 18 billboards, all constructed prior to the enactment of the billboard limit language. The proposal is to increase the

allowed billboard count from 15 billboards to 18 billboards. Motion by Chairperson Simmonds to set for public hearing at the June 11, 2018 Regular Meeting, the amendment of Section 18.08(b) of the Ordinance to allow a total of 18 billboards in the Township. Motion seconded by Mr. Clements. All in favor and the public hearing is set for June 11, 2018.

COMMISSIONER COMMENTS:

Mr. Edwards asked about changes to the Ordinance and when those are posted on the Township web site. Chairperson Simmonds asked about getting revised Ordinance sections on paper for the Ordinance binders. The Township Clerk will get updated printed copies of the Ordinance to all members of the Planning Commission, and will provide revised pages on a regular basis.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Motion seconded by Mr. Blough. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:36 p.m.

Submitted _____ Secretary
Timothy Clements

Approved _____